

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHAN RILEY : CIVIL ACTION
vs. :
JOHN PALAKOVICH : NO. 05-CV-4541

ORDER

AND NOW, this 25th day of September, 2012, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice and the Petitioner's objections thereto, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DISMISSED without prejudice for failure to exhaust state remedies.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, C.J.